



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2101 OF 2025

Sau. Sushilabai Sukhdev Kedar and Ors.

Vs.

State of Maharashtra, Thru. Secretary, Department of Cooperation, Mantralaya,
Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sunil Bhoyar, Advocate for petitioners.

Mr. D.P. Thakare, Addl. GP for respondent Nos.1 & 4 to 9.

**CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 21.04.2025.

The petitioners are claiming to be the legal heirs of deceased Sukhdev Mahadev Kedar who stood guarantor to the loan obtained by Dinesh s/o Sukhdev Kedar. Accordingly, the property being plot No.666 admeasuring 225.50 sq. mtrs. situated at Village Ghatladki, Tah. Chandur Bazaar, District – Amravati, was mortgaged vide mortgage deed dated 20.10.2015 in favour of the respondent Nos.2 & 3.

2. The failure to repay the loan has resulted into auction of the said property and the possession

is already given to the third party i.e. respondent No.11.

3. It is the case of the petitioners that they being the legal heirs, are entitled to the right/claim in the property as they are having undivided share. It is tried to be urged that property in question was inherited by Sukhdev, who stood guarantor and since the property is ancestral, the petitioners are entitled for the share in the property which was sold without there being any notice to the petitioners.

4. We have confronted the learned counsel for the petitioner on the issue of the status of the property being ancestral and not a self-acquired property. The petitioners are unable to establish the said claim.

5. Apart from above, it appears that the respondent Nos.2 & 3 have already initiated the proceedings under Section 138 of the Negotiable Instrument Act, against the borrower Dinesh s/o Sukhdev Kedar.

6. Under the provisions of the Securitisation Act, the property in question was auctioned and sale

deed was registered by the respondent Nos.2 & 3 in favour of the respondent No.11 way back in 2023.

7. When confronted, whether the petitioners are willing to deposit the entire amount which liability they have inherited in the matter of the mortgage property, the petitioners are not in a position to make any statement to that effect.

8. That being so, no case for causing interference in the extra-ordinary jurisdiction is made out. The petition as such fails and it is dismissed. No costs.

(Mrs. Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)